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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
10 AT TACOMA

11 JAMES ERNEST DICKERSON,

12 Plaintiff,

13 v.

14 JOHN FRANCIS HAYDEN et al,

15 Defendants.

CASE NO. C12-5804 RJB

ORDER ADOPTING REPORT AND
RECOMMENDATION DENYING
APPLICATION TO PROCEED *IN*
FORMA PAUPERIS

16 This matter comes before the Court on the Report and recommendation of U.S.
17 Magistrate Judge J. Richard Creatura. Dkt. 5. The Magistrate Judge recommends that Plaintiff's
18 application to proceed *in forma pauperis* be denied pursuant to 28 U.S.C. § 1915(g) because on
19 four prior occasions Plaintiff has had cases dismissed, either for failure to state a claim or as
20 frivolous, and Plaintiff does not allege in the proposed complaint that he is in imminent danger
21 of serious physical harm. Plaintiff has not filed objections to the Report and Recommendation.

22 The Court, having reviewed the Report and Recommendation of Magistrate Judge J.
23 Richard Creatura, and the remaining record, does hereby find and **ORDER:**
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1. The Court adopts the Report and Recommendation (Dkt. 5);
2. Plaintiff's application to proceed *in forma pauperis* (Dkt. 1) is **DENIED**.
3. The Clerk shall file the complaint only on receipt of the usual filing fee. If no filing fee is paid within 30 days of the date of this Order, the Clerk shall close the file.
4. The Clerk is directed to send a copy of this Order to Plaintiff, and to the Hon Richard Creatura.

Dated this 29th day of October, 2012.



ROBERT J. BRYAN
United States District Judge